

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 125

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING THE FINDINGS OF THE LEGISLATURE AND ENDORSING AND ENCOURAGING GOVERNOR C.L. "BUTCH" OTTER IN HIS EFFORTS MOVING FORWARD WITH THE GOVERNOR'S SAGE-GROUSE TASK FORCE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, in March of 2010, the U.S. Fish and Wildlife Service determined that listing greater sage-grouse as a threatened or endangered species under the federal Endangered Species Act ("ESA") was warranted, but precluded by higher priority listing actions. Sage-grouse are now classified as "warranted but precluded"; and

WHEREAS, Governor C.L. "Butch" Otter has emphasized the great need to conserve the species and its habitat while maintaining other multiple uses of Idaho's public lands; and

WHEREAS, the U.S. Fish and Wildlife Service will be required to reevaluate the status of the species throughout its eleven-state western range by September 30, 2015; and

WHEREAS, Governor Otter has acknowledged this timeline provides Idaho an opportunity to continue and improve the good work Idaho has already been doing towards precluding the need to list the species. The Governor has noted that, over the past ten years, Idaho has developed a Sage-Grouse Conservation Plan, and funding has been provided for the twelve Sage-Grouse Local Working Groups to provide on-the-ground conservation measures. The Governor states that through this work we have halted the decline and are now seeing a gradual increase in some of Idaho's sage-grouse populations; and

WHEREAS, Governor Otter desires to ensure that Idaho has a sound, science-based plan that will provide for the bird's sustainability in Idaho, preclude a listing under the ESA, assure predictable uses of Idaho's public lands and enable Idaho citizens to participate in the process. With those goals in mind, Governor Otter will be forming a Governor's Task Force on Idaho Sage-Grouse; and

WHEREAS, Governor Otter has established specific goals for the Idaho plan, which goals include the drafting of a plan for the greater sage-grouse to exempt the state from compliance with the National Bureau of Land Management's Instruction Memorandum guidance, to provide a mechanism to preclude the need to list the species under the ESA, and in the event of listing, to minimize the impact to and provide regulatory certainty for, the use of permitted and lawful activities on public land; and

WHEREAS, Governor Otter has also established objectives of the task force in development of a plan that is biologically-driven, legally defensible and politically palatable, centered on conserving the species and its habitat while maintaining predictable levels of land use and the result of input from a diverse group of stakeholders. Additional objectives will include the ability of the plan to be incorporated into the Bureau

1 of Land Management's Resource Management Plans (RMPs) and the U.S. Forest  
2 Service's Land Management Plans (LMPs) consistent with the requirements of  
3 the National Environmental Policy Act (NEPA), calibrated to meet the "ad-  
4 equate regulatory mechanism" standard under the ESA, and built on, to the  
5 extent possible, the great efforts provided by local sage-grouse working  
6 group plans and the current 2006 statewide plan for the species. The task  
7 force would also request and seek pertinent scientific information and  
8 technical expertise to inform the task force's deliberations regarding key  
9 sage-grouse habitat.

10 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-  
11 sion of the Sixty-first Idaho Legislature, the Senate and the House of Repre-  
12 sentatives concurring therein, that we endorse and encourage Governor C.L.  
13 "Butch" Otter in his efforts moving forward expeditiously with the Gover-  
14 nor's Task Force on Idaho Sage-Grouse and request that the Governor report to  
15 the Pro Tempore of the Senate and the Speaker of the House of Representatives  
16 upon completion of the plan and to report on the work and progress of the task  
17 force to the 1st Regular Session of the 62nd Idaho Legislature.

18 BE IT FURTHER RESOLVED that we encourage the Governor's coordinated  
19 involvement of state agencies and offices with jurisdiction significantly  
20 affecting sage-grouse including, but not limited to, the Idaho Department  
21 of Fish and Game, the Idaho State Department of Agriculture, the Department  
22 of Lands, the Department of Parks and Recreation, the Office of Energy Re-  
23 sources and the Office of Species Conservation.

24 BE IT FURTHER RESOLVED that we encourage the coordinated involvement  
25 with neighboring states in their response to the Bureau of Land Manage-  
26 ment and the U.S. Forest Service guidance and policy proposals. We further  
27 request that the Governor consider the appropriate use of the state's Con-  
28 stitutional Defense Fund to defend the state's interest in the management  
29 of its resources, including both its lands and its wildlife. The Legisla-  
30 ture also encourages Attorney General Lawrence G. Wasden and the Office of  
31 the Governor to continue vigorous defense of Idaho's interests by actively  
32 intervening in federal litigation affecting sage-grouse.